

REMARKS

Review and reconsideration on the merits are requested.

Formalities

Applicants **again** submit PTO/SB/08 with an Abstract of Japan 50-137,911 which the Examiner did not consider in the Information Disclosure Statement filed January 27, 2005. This was refiled on June 15, 2006. The Examiner is requested to initial and return the same. See later remarks

Substantive Interview

The Examiner, in the **Interview Summary**, accurately describes the substance of the telephonic interview on July 12, 2006.

Agreement was not reached; as a result, Applicants cancel claims 1-2.

The Rejection

Claims 1 and 2 were rejected under 35 U.S.C. as anticipated by Mueller et al (identified in the Action of 03/16/2006).

Applicants cancel claims 1 and 2, mooted the rejection.

Allowable Subject Matter

In the present Action, claims 3-7 are allowed.

Applicants combine claims 1 and 3, thereby effectively limiting claim 1 to the subject matter of claim 3 and equivalents. Claim 3 is canceled. Claim 2 is cancelled. Claims 3-7 were indicated to be allowed, and by combining claims 1/3 and canceling claim 2 (and claim 3) this application should be in condition for allowance.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/520,426

JP 50 137,911

Applicants submit herewith a fresh PTO/SB/08 listing the Abstract of JP 50137911, which the Examiner did not initial on the PTO/SB/08 which the Examiner returned.

Consideration is requested.

It is noted that this reference was cited in the English International Search Report, a copy of which was attached to the 1.111 AMENDMENT.

The Examiner is requested to consider MPEP at page 600-148, Rev. 3, August 2005, which provides:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent Office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the Search Report or Action, which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on the Search Report.

While Applicants believe that all references in the early submitted PTO/SB/08 are properly considered, in view of the International Search Report (a copy of which was attached to the 1.111 AMENDMENT), they again submit for the Examiner's consideration an English Abstract which was obtained from a CA File on a STN search, 85:32608 CA.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/520,426

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



/Peter D. Olexy/
Peter D. Olexy
Registration No. 24,513

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 30, 2006